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Attorneys for Plaintiff

**Additional Counsel Listed on Signature Page**

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

NATHAN NABORS, Individually and on ) 5:10-cv-03897-JW (Hon. James Ware)  
behalf of all others similarly situated, )

*Plaintiff,* ) **[PROPOSED] ORDER CONTINUING**  
 ) **THE HEARING DATE OF**  
 ) **DEFENDANT'S MOTION TO**  
 ) **DISMISS [N.D. CAL. L.R. 7.7(b)]**

GOOGLE, INC., a Delaware corporation; ) Current Hearing Date: April 25, 2011

Current Hearing Date: April 25

Proposed Hearing Date: May 2, 2011

## *Defendants*

Current Hearing Date: April 25  
Room: 1H-101 Date: May 2

## Proposed Hearing Date:

Pursuant to Civil Local Rule 7-7(b), the parties stipulate to a continuance of the hearing date on Defendant Google Inc. (“Defendant”) Motion to Dismiss Plaintiff’s First Amended Complaint.

WHEREAS, the hearing is currently set for April 25, 2011;

WHEREAS, an opposition has been filed to Defendants' Motion to Dismiss;

**PARTIES' STIPULATION AND [PROPOSED] ORDER CONTINUING THE HEARING DATE OF DEFENDANT'S MOTION TO  
DISMISS [N.D. CAL. L.R. 7-7(b)]**

1           WHEREAS, the parties affected by the motion have not previously stipulated to continue  
2 the hearing date;

3           WHEREAS, Plaintiff requested a continuance of the hearing date because, unless the  
4 hearing is rescheduled, they must travel by airplane to San Jose on Easter Sunday to attend the  
5 hearing scheduled for Monday, April 24, 2011 at 9:00am;

6           WHEREAS, Defendants have agreed, subject to this Court's approval, to continue the  
7 hearing date to May 2, 2011 at 9:00am, or any date on or after June 6, 2011 at 9:00am, that is  
8 convenient for the Court. Counsel is unavailable May 9, 2011 through May 30.

9           WHEREAS, this extension will alter a time frame set by the local rules of this Court and  
10 therefore requires a Court order for such an extension;

11          NOW THEREFORE, Plaintiff and Defendants, through their counsel of record, and  
12 subject to this Court's approval, stipulate to the following: The April 25, 2011 hearing on  
13 Defendant's Motion to Dismiss shall be continued to May 2, 2011 at 9:00 am, or any date on or  
14 after June 6, 2011, that is convenient to the Court.

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1 DATED: April 15, 2011

MILSTEIN ADELMAN, LLP

2 By: \_\_\_\_\_ /s/ *Sara Avila*

3 SARA AVILA

4 Attorneys for Plaintiff  
5 MARY MCKINNEY

6 DATED: April 15, 2011

7 WHATLEY DRAKE & KALLAS, LLC

8 By: \_\_\_\_\_ /s/ *Adam Plant*

9 ADAM PLANT

10 Attorneys for Plaintiff  
11 MARY MCKINNEY

12 DATED: April 15, 2011

13 DECHERT LLP

14 By: \_\_\_\_\_ /s/ *Matthew L. Larrabee*

15 MATTHEW LARRABEE

16 Attorneys for Defendant  
17 GOOGLE INC.

1 ORDER  
2 PURSUANT TO STIPULATION, the hearing on Defendants' Motion to Dismiss Plaintiff's  
3 Second Amended Complaint is continued to May 2, 2011 at 9:00 AM.  
4 IT IS SO ORDERED.  
5

Date: April 21, 2011

  
6 HON. JAMES WARE, U.S. DISTRICT COURT  
7

8 **CERTIFICATION**

9 I, Sara D. Avila, am the ECF User whose identification and password are being  
10 used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order  
11 45.X.B., I hereby attest that France Jaffe and Rosemarie Ring concurred in this filing.  
12  
13

14 DATED: April 13, 2011

15 Attorney for Plaintiff Mary McKinney and the  
16 Proposed Class  
17

By: /s/ Sara D. Avila  
18 MILSTEIN ADELMAN, LLP  
19 Gillian L. Wade  
Sara D. Avila

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